

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: **Lakhvinder Singh
Marjit Kaur**

Debtor(s)

Case No.: 17-13022

Judge: CMG

Chapter: 13

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☐ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: 7-19-2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor has paid \$2,500.00 into the plan and the Debtor shall pay \$500.00 Monthly to the Chapter 13 Trustee, starting on August 1, 2017 for approximately 54 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒

Future Earnings

☐

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐

Sale of real property

Description:

Proposed date for completion: _____

☐

Refinance of real property

Description:

Proposed date for completion: _____

☒

Loan modification with respect to mortgage encumbering property THE BANK OF NEW YORK MELLON TRUST/c/o BANK OF AMERICA

Description: 29 HARRIS STREET, CARTERET, NEW JERSEY

Proposed date for completion:

loss mitigation will be completed by the date set forth in the loss mitigation order

d.

☒

The regular monthly mortgage payment will continue pending the sale, refinance or loan modification. Debtor is to make post adequate protection payments to secured creditor pursuant to the loss mitigation order.

e.

☒

Other information that may be important relating to the payment and length of plan: The Trustee is to reserve making payments to the secured creditor pending loss mitigation.

LOAN MODIFICATION WITH DITECH F/K/A GREENTREE SERVICING LLC ON PROPERTY LOCATED AT 81 PULASKI STREET, CARTERET, NEW JERSEY. LOAN MODIFICATION IS TO BE COMPLETED OUTSIDE THE BANKRUPTCY CASE. WITHIN SIX (6) MONTHS FROM DATE OF CONFIRMATION. DEBTOR IS TO MAKE POST ADEQUATE PROTECTION PAYMENTS TO THE CREDITOR. THE TRUSTEE IS TO RESERVE MAKING PAYMENTS TO SECURED CREDITOR PENDING THE LOAN MODIFICATION.

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
ROBERT C. NISENSEN	ATTORNEYS FEES	3,000

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
-NONE-

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

____ Not less than \$ ____ to be distributed *pro rata*

____ Not less than ____ percent

 X *Pro Rata* distribution from any remaining funds STUDENT LOANS TO BE PAID
OUTSIDE THE CHAPTER 13 PLAN

b. **Separately Classified Unsecured** Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
Hyundai Capital America	2003 Nissan Pathfinder	assumed

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. **Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

Creditor	Collateral	Amount of Lien to be Reclassified
<p>c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.</p> <p>The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:</p>		

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims

The Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
CORRECTED ADDRESS ON CARTERET PROPERTY, BANK OF AMERICA LOSS MITIGATION	CORRECTED ADDRESS TO 29 HARRIS STREET, CARTERET, NJ, LISTED BANK OF AMERICA ON LOSS MITIGATION

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date July 19, 2017 /s/ Robert C Nisenson
Robert C Nisenson
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: July 19, 2017 /s/ Lakhvinder Singh
Lakhvinder Singh
Debtor

Date: July 19, 2017 /s/ Marjit Kaur
Marjit Kaur
Joint Debtor

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Lakhvinder Singh
 Marjit Kaur
 Debtors

Case No. 17-13022-CMG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

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 Total Noticed: 44

Date Rcvd: Jul 21, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 23, 2017.

db/jdb
 lm +Lakhvinder Singh, Marjit Kaur, 29 Harris St., Carteret, NJ 07008-2901
 +Bank of America, 11802 Ridge Parkway, Suite 100 HRM, Home Retention,
 Broomfield, CO 80021-5008
 cr +Green Tree Servicing LLC, Robertson, Anschutz & Schneid, P.L.,
 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487, UNITED STATES 33487-2853
 516649383 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bk Of Amer, 4161 Piedmont Pkwy, Greensboro, NC 27410)
 516768530 Bank of America, N.A., PO BOX 31785, Tampa, FL 33631-3785
 516649384 Bk Of Amer, 4060 Ogletown/stanton Rd, Newark, DE 19713
 516649385 +Bk Of Amer, 1800 Tapo Canyon Rd, Simi Valley, CA 93063-6712
 516649390 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank Usa N, 15000 Capital One Dr,
 Richmond, VA 23238)
 516649387 +Cap One, 95 Washington Street, Buffalo, NY 14203-3006
 516649389 +Capital One Bank Na, PO Box 30285, Salt Lake City, UT 84130-0285
 516649392 +Colorado Capital Investments, Inc, C/O Pressler And Pressler, Llp, 7 Entin Rd,
 Parsippany, NJ 07054-5020
 516649395 +++DITECH FINANCIAL LLC, 332 MINNESOTA ST STE E610, SAINT PAUL MN 55101-1311
 (address filed with court: Ditech Financial Llc, 332 Minnesota St Ste 610,
 Saint Paul, MN 55101)
 516649396 +Elizabethtown Gas, ATTN:Virginia Natural Gas, 544 South Independence Blvd.,
 Virginia Beach, VA 23452-1104
 516649397 +FIA Card Services NA, P.O. Box 15019, Wilmington, DE 19850-5019
 516835151 +Green Tree Servicing, LLC, Robertson, Anschutz & Schneid, P.L.,
 6409 Congress Avenue, Ste 100, Boca Raton, FL 33487-2853
 516649399 Hyundai Capital America, 400 Macarthur Blvd, Newport Beach, CA 92660
 516838182 +MIDLAND FUNDING LLC, PO BOX 2011, WARREN, MI 48090-2011
 516649403 +Midland Funding, 2365 Northside Dr Ste 30, San Diego, CA 92108-2709
 516649408 +P & J Fuel, Inc, C/O Marco Shawki, Esq, 1794 Oak Tree Rd., Edison, NJ 08820-2704
 516649409 +Rcs Mtg, 350 S. Grand Ave, 47th Floor, Los Angeles, CA 90071-3406
 516649410 +Rickart Coll Systems, 575 Milltown Rd, North Brunswick, NJ 08902-3336
 516649414 The Bank of New York Mellon Trustee, C/O Specialized Blvd Ste 300,
 Highlands Ranch, CO 80129
 516713659 +The Bank of New York Mellon Trustee (See 410), c/o Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 516807870 The Bank of New York Mellon, et al, c/o Bank of America, N.A., PO Box 31785,
 Tampa, FL 33631-3785
 516649415 +Vanz LLC, 577 Hamburg Turnpike, Wayne, NJ 07470-2042

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usan.j.njbankr@usdoj.gov Jul 21 2017 22:21:13 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreign03.ne.ecf@usdoj.gov Jul 21 2017 22:21:11 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516649386 +E-mail/Text: bankruptcy@cavps.com Jul 21 2017 22:21:22 Calvary SPV, LLC,
 500 Summit Lake Drive Ste 400, Valhalla, NY 10595-1340
 516649393 +E-mail/PDF: creditonebknofications@resurgent.com Jul 21 2017 22:24:51 Credit One Bank Na,
 Po Box 98875, Las Vegas, NV 89193-8875
 516649394 +E-mail/Text: mrdiscen@discover.com Jul 21 2017 22:20:58 Discover Bank, PO Box 3025,
 New Albany, OH 43054-3025
 516667015 E-mail/Text: mrdiscen@discover.com Jul 21 2017 22:20:58 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 516785031 E-mail/Text: bankruptcy.bnc@ditech.com Jul 21 2017 22:21:06
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,
 Rapid City, South Dakota 57709-6154
 516649398 +E-mail/Text: bankruptcy.bnc@ditech.com Jul 21 2017 22:21:06 Greentree, PO Box 6172,
 Rapid City, SD 57709-6172
 516649400 +E-mail/Text: Hcabankruptcy-courtntices@hcamerica.com Jul 21 2017 22:21:38
 Hyundai Lease Titling Trust, PO Box 20809, Fountain Valley, CA 92728-0809
 516810371 E-mail/PDF: resurgentbknofications@resurgent.com Jul 21 2017 22:24:43 LVNV Funding LLC,
 c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 516812237 E-mail/PDF: resurgentbknofications@resurgent.com Jul 21 2017 22:24:44
 LVNV Funding, LLC its successors and assigns as, assignee of Capital One, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 516649401 +E-mail/PDF: resurgentbknofications@resurgent.com Jul 21 2017 22:24:43 Lvnv Funding Llc,
 Po Box 10497, Greenville, SC 29603-0497
 516649404 +E-mail/Text: bankruptcy@onlineis.com Jul 21 2017 22:21:29 Online Collections, Po Box 1489,
 Winterville, NC 28590-1489
 516920465 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 21 2017 22:30:35
 Portfolio Recovery Associates, LLC, c/o Capital One Bank, N.A., POB 41067,
 Norfolk VA 23541

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 44

Date Rcvd: Jul 21, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516649411 +E-mail/PDF: gecsed@recoverycorp.com Jul 21 2017 22:24:50 Synch/jc Penney Dc,
Po Box 965007, Orlando, FL 32896-5007
516649412 +E-mail/PDF: gecsed@recoverycorp.com Jul 21 2017 22:24:59 Synch/pc Richard,
C/o Po Box 965036, Orlando, FL 32896-0001
516649413 +E-mail/PDF: gecsed@recoverycorp.com Jul 21 2017 22:24:59 Synchrony Bank,
C/O Recovery Management Systems Corp, 25 SE 2nd Ave Suite 1120, Miami, FL 33131-1605
516876793 +E-mail/PDF: gecsed@recoverycorp.com Jul 21 2017 22:24:50 Synchrony Bank,
c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
516872420 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jul 21 2017 22:30:32 Verizon,
by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
TOTAL: 19

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

lm Ditech Financial LLC, 332 Minnesota
516649391* ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
(address filed with court: Capital One Bank Usa N, 15000 Capital One Dr,
Richmond, VA 23238)
516649388* +Cap One, 95 Washington Street, Buffalo, NY 14203-3006
516649402* +Lvnv Funding Llc, Po Box 10497, Greenville, SC 29603-0497
516649405* +Online Collections, Po Box 1489, Winterville, NC 28590-1489
516649406* +Online Collections, Po Box 1489, Winterville, NC 28590-1489
516649407* +Online Collections, Po Box 1489, Winterville, NC 28590-1489

TOTALS: 1, * 6, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '++++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 23, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 20, 2017 at the address(es) listed below:

Albert Russo docs@russotruster.com
Denise E. Carlson on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-19CB, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2005-19CB dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Laura M. Egerman on behalf of Creditor Green Tree Servicing LLC bkyecf@rasflaw.com,
gshasa@rasnj.com;bkyecf@rasflaw.com;legerman@rasnj.com
Michael Frederick Dingerdissen on behalf of Creditor DITECH FINANCIAL LLC nj.bkecf@fedphe.com
Robert C. Nisenson on behalf of Debtor Lakhvinder Singh rnisenson@aol.com,
nisensonlaw@aol.com;G2729@notify.cincompass.com;nisensonlaw@gmail.com
Robert C. Nisenson on behalf of Joint Debtor Marjit Kaur rnisenson@aol.com,
nisensonlaw@aol.com;G2729@notify.cincompass.com;nisensonlaw@gmail.com
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7